



Columbian Magazine (1791). Courtesy American Philosophical Society

Public buildings, Philadelphia. From left: Episcopal Academy, Congress Hall, State House (steeple removed 1781), American Philosophical Society, Library Company, Carpenters Hall.

Pennsylvania and the Federal Constitution

ON DECEMBER 12, 1787, Pennsylvania became the second state to ratify the Constitution of the United States, her neighbor, Delaware, being first by only five days. Pennsylvanians took a leading part in the evolution of the idea of an American union and in the framing, adoption, and ratification of the Constitution which made this union permanent.

The idea of such a union may be traced far back in the annals of Pennsylvania, even to her founder William Penn, who published a "Plan for a Union of the Colonies in America." He proposed that two deputies from each colony meet annually at some central location "to hear and adjust all matters of complaint or difference between Province and Province" and to provide for defense.

Penn's forward-looking proposal was ignored, but in 1754 a similar suggestion was made by another noted Pennsylvanian, Benjamin Franklin. He presented his "Plan of Union" at the

Albany Congress, a meeting of delegates from various colonies to make plans for defense on the eve of the French and Indian War. His scheme would have united the colonies under a grand council appointed by the colonial assemblies and a president-general appointed by the King. Such proposals were doomed to failure until events had shown the necessity of union.

The quarrel with the mother country over American rights gave rise to definite steps in the direction of union, which were all supported by Pennsylvania. As the colonies needed to take common action against a common danger, they sent delegates to conferences or congresses which would decide on the proper measures. The Stamp Act Congress of 1765 and the Continental Congress had no constitutional basis, but they were nevertheless manifestations of a movement toward union which became more and more evident when war began and the idea of independence gained support. By

1775, the Congress was using the term *United Colonies of North America*, and the great Declaration of the following year proclaimed the independence of the *United States of America*.

The next step on the road to union was the Articles of Confederation. Already, in July, 1775, Benjamin Franklin had drawn up a plan for these Articles and presented it to the Congress, but not until June 7, 1776, did Congress appoint a committee to prepare this first constitution of the United States. It was drafted by John Dickinson, of Pennsylvania, incorporated many of Franklin's suggestions, and was presented to Congress on July 12, 1776. After long discussion and many alterations, the Continental Congress, in session at York, Pennsylvania, agreed to the Articles of Confederation and Perpetual Union on November 15, 1777. Pennsylvania was among the first to ratify the Articles, on July 12, 1778, but the last state did not ratify until 1781, by which time the weaknesses of the Confederation were becoming all too apparent.

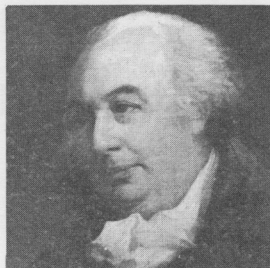
The year 1785 saw the beginning of the steps leading to the making of a new and stronger constitution. Virginia and Maryland representatives held a conference at Mount Vernon to discuss certain problems of commerce, especially in regard to the navigation of the Potomac River. As other states had similar matters to deal with, it was proposed that a larger and more general conference should be held at Annapolis in 1786. Only five states sent delegates to Annapolis, among them Pennsylvania; a former Pennsylvanian, John Dickinson, now of Delaware, was elected chairman. Not enough states were represented to accomplish anything definite, and at the suggestion of Alexander Hamilton, delegate from New York, the conference urged that another convention be held in May, 1787, at Philadelphia to consider measures for the strengthening of the central government.

Virginia, New Jersey, Pennsylvania, North Carolina, and Georgia had provided for sending delegations to the federal convention, even before the Congress finally heeded the suggestion of the Annapolis conference and, on February 1, 1787, passed a resolution authorizing the convention. By act of December 30, 1786, the General Assembly of Pennsylvania had appointed seven deputies, and on March 28, 1787, it added an eighth deputy, Benjamin Franklin, the greatest living Pennsylvanian.

The Pennsylvania delegation to the federal convention was more numerous than any sent by the other states, and among the most distinguished. Only six of the signers of the Declaration of Independence signed the Constitution, and of these, four came from Pennsylvania. The State's eight delegates were all residents of Philadelphia and received neither salary nor expenses.

The venerable Benjamin Franklin, then eighty-one years of age, was the President of Pennsylvania at that time. His many and distinguished services to America made him greatly respected by the other members, although his poor health kept him from taking an active part in debate. His speeches were read for him by James Wilson, one of the great leaders of the convention.

James Wilson, born in Scotland in 1742, had come to Philadelphia in 1765. He was counted among the ablest lawyers of his time, and his deep understanding of political science made him one of the principal architects of the Constitution. Active in all the debates of the convention, he spoke 168 times, more often than any other member except Gouverneur Morris.



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of Pennsylvania

Gouverneur Morris

The brilliant and talkative Gouverneur Morris, who spoke 173 times, was a delegate from Pennsylvania, although he was really a New Yorker. He had become a banker and lawyer in Philadelphia a few years before the convention, but later returned to New York.

The other Pennsylvania members took lesser parts in the convention, for a variety of reasons. Thomas Mifflin was speaker of the Pennsylvania Assembly, which was in session during much of the period when the convention met. George Clymer and Thomas Fitzsimmons were members of the Assembly. Jared Ingersoll was one of the great legal minds of his day; it is said that he often gave advice to members on the difficult legal problems involved in the making of the Constitution, but he took little part in the debates. Robert Morris, the "Financier of the Revolution," was present and voted, but made no lengthy speeches.

The delegations from other states were equally outstanding. Among Virginia's members were George Washington, James Madison, Edmund Randolph, and George Mason. John Dickinson led the Delaware delegation, while Alexander Hamilton was a member from New York. Gunning Bedford, Delaware, and Hugh Williamson, North Carolina, were born in Pennsylvania.

The convention was scheduled to begin on Monday, May 14, 1787, in the Pennsylvania State House, now Independence Hall, but only Pennsylvania and Virginia were represented that day. A quorum to conduct business was not obtained for two weeks, bad weather delaying many of the delegates. This time was not entirely wasted, however, for the Pennsylvania and Virginia members held a number of informal conferences at which they agreed upon a common course of action. These two states had a great deal in common, as both were large and prosperous. Exactly what took place during these discussions has never been known, but it may be safely assumed that the Virginia Plan for a constitution was examined in detail, and that the two state delegations established the cordial relations which were apparent during the convention.

At the opening session, on May 25, Robert Morris, in the name of the Pennsylvania delegation, nominated George Washington as president of the convention. He was unanimously elected, no other persons being nominated.

On May 29, the work of the convention really began, when Edmund Randolph presented the fifteen resolutions of the Virginia Plan, which was essentially the outline from which the Constitution was developed. It was finally resolved, with Pennsylvania voting in the affirmative, "that a national government ought to be established consisting of a supreme Legislative Executive and Judiciary." This meant, in effect, that the Articles would be disregarded.

Argument then arose over the details of the Virginia Plan, how the lower and upper houses were to be elected, and related questions. Pennsylvania members, and especially James Wilson, spoke out for popular government. In the words of Madison, "Mr. Wilson contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal pyramid to a considerable altitude, and for that reason wished



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James Wilson

to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican Government this confidence was peculiarly essential. . . . He thought both branches of the National Legislature ought to be chosen by the people."

The convention voted in favor of the election of members of the lower house by the people, but could not come to agreement on the method of electing the upper house, or Senate. Pennsylvania and Virginia, as large states, wished representation in both houses to be in proportion to population, while most of the smaller states wanted equal representation for states.

William Paterson of New Jersey summed up the wishes of the small states in the New Jersey Plan, presented to the convention on June 15. This called for the mere amendment and strengthening of the Articles of Confederation, leaving Congress as it was, but granting it considerable powers of taxation as well as power to regulate commerce. Most important of all, it first proposed that the constitution and the treaties made under it should be the supreme law of the land.

The essential issue was now plain, whether the powers of the federal government were to be derived from the people or from the states. James Wilson replied to the advocates of the New Jersey Plan, making a careful analysis of the details of the two plans. Doubting that the sentiments of the people were opposed to a strong national government, he said that the feelings "of the particular circle in which one moved, were commonly mistaken for the general voice. . . . He could not persuade himself that the State Governments and Sovereignties were so much the idols of the people, nor a National Government so obnoxious to them, as some supposed. Why should a National Government be unpopular? Has it less dignity? Will each Citizen enjoy under it less liberty and protection? Will a Citizen of *Delaware* be degraded by becoming a Citizen of the *United States*?"

This speech was one of the most effective made during the convention. Madison of Virginia concluded the argument for the large-state party on June 19, with the result that the Virginia Plan was again approved by the majority. Still the opposition of the small states was not weakened, and many members felt that a breakup of the convention was imminent. Benjamin Franklin spoke in favor of compromise, saying:

The diversity of opinions turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger. When a broad table is to be made, and the edges of planks do not fit, the artist takes a little from both, and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition.

Already the basis for such a compromise had been suggested by Connecticut delegates, namely, to give the states equal votes in the Senate, if the House were to be elected in proportion to population. Ellsworth of Connecticut said that "the few should have a check upon the many." In the end a committee of one member from each state was appointed to work out a compromise plan. Pennsylvania's member was Benjamin Franklin, whose motion in the committee gave practical form to Connecticut's suggestion. The House should have one representative for every 40,000 inhabitants, and should originate all bills for raising or appropriating money. Each state should have an equal vote in the Senate. The larger states still opposed this, but the great compromise finally passed on July 16.

This quieted the fear of the small states that a strong national government might be dominated by the large states. The work of the convention was not again threatened by serious controversy. It proceeded to consider and develop the other features of the Virginia Plan,

providing for the system of checks and balances which characterizes the American federal government. Congress, the President, and the Supreme Court, the three great branches of government, were given definite but adequate powers, yet the rights of the states were carefully safeguarded.

The subject of the President's election and length of term gave rise to lengthy discussions. Not until the last days of the convention was the present Electoral College system of electing the President adopted, largely because of the forceful arguments of Gouverneur Morris. This, at least, gave the people and not Congress the determining voice in the election of the chief executive.

The results of the convention's work were turned over to a committee of detail, which was to prepare a constitution embodying the various decisions. Wilson, the Pennsylvania member of the committee, did most of the actual writing and compilation of this first draft of the Constitution. His committee reported on August 6, and for five weeks the convention analyzed, questioned, and argued over every clause and section of the document. A committee on style and arrangement was then appointed, of which Gouverneur Morris was the leading member, for it was he who actually wrote the final version of the Constitution. The most important new feature added by this committee was the Preamble beginning "We the People of the United States." It is said that James Wilson had some share in the making of this last draft, though he was not a member of the committee. The finished Constitution was approved by the convention on September 15, and formally adopted and signed on September 17. It was to go into effect when ratified by conventions in at least nine of the states.

Pennsylvania's leadership in the framing of the federal Constitution had been all-important. She had furnished two principal leaders of the convention, and her delegation had supported every move to strengthen the national government. The Keystone State also displayed leadership in the fight for ratification.